

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Eden Point Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord

CONTACT: Austin Watkins

EXT: 7440

MOTION/RECOMMENDATION:

1. Approve an ordinance to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and approve the attached Preliminary Master Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, per staff findings; (Ralph Spano/Spano & Associates, applicant); or
2. Deny the request to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development) and authorize the Chairman to execute the Denial Development Order; (Ralph Spano/Spano & Associates, applicant); or
3. Continue the item to a time and date certain.

District 1 Bob Dallari

Austin Watkins

BACKGROUND:

The applicant is requesting a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road. The requested zoning will allow a maximum of thirty-nine (39) lots. Eleven (11) lots will have lake access and be a minimum of 11,900 square feet. The remaining twenty-eight (28) lots will be a minimum of 6,900 square feet. A stormwater retention pond with amenities will be included in the PUD as part of the common open space requirement. The net density of the proposed PUD is three (3) dwelling units per net buildable acre. The existing Future Land Use on the property is Low Density Residential which allows for a maximum of four (4) dwelling units per net buildable acre.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on November 7, 2007 and voted 4 to 0 to recommend approval of the request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), on approximately 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, and recommend approval of the attached Preliminary Master Plan and Development Order.

STAFF RECOMMENDATION:

Staff recommends the Board Approve an ordinance to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and approve the attached Preliminary Master Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, per staff findings

ATTACHMENTS:

1. Staff Analysis
2. Location Map
3. Zoning and Future Land Use Map
4. Aerial Map
5. Preliminary Master Plan
6. Approval Development Order
7. Rezone Ordinance
8. Denial Development Order
9. November 7, 2007 P&Z Minutes
10. School Capacity Analysis

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

Eden Point Rezone		
APPLICANT	Ralph Spano	
PROPERTY OWNER	Eden Point, LLC & Thelma C. Yates	
REQUEST	Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)	
PROPERTY SIZE	26.78 ± acres	
HEARING DATE (S)	P&Z: November 7, 2007	BCC: January 8, 2008
PARCEL ID	26-21-30-300-0260-0000	
LOCATION	Located on the West side of Dodd Road & North Howell Branch Road	
FUTURE LAND USE	Low Density Residential (LDR)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2007-53	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant is proposing a residential subdivision consisting of thirty-nine (39) lots. Eleven (11) lots will have lake access and be a minimum of 11,900 square feet and the remaining twenty-eight (28) lots will be a minimum of 6,900 square feet with an amenitized stormwater retention pond to include a mulch trail and bench.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following tables depict the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 square feet	6,900 square feet
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	11 lots=85 ft/28 lots =60 ft
Front Yard Setback	50 feet	20 feet
Side Yard Setback	30 feet	11 lots=10 ft/28 lots=5 ft
Side Street Setback	50 feet	15 feet
Rear Yard Setback	10 feet	11 lots=20 ft/28 lots=15 ft
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (Agriculture)	PUD (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Single-Family Dwelling, Home Occupations, Home Offices.
Special Exception Uses	Special Exceptions such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	N/A
Minimum Lot Size	43,560 sq. ft.	6,900 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, R-1, or PUD zoning classification. The applicant is proposing eleven (11) lake access lots with a minimum lot size of 11,900 square feet and a minimum width at the building line of 85 feet and twenty-eight (28) lots with a minimum lot size of 6,900 square feet and a minimum width at the building line of 60 feet. Lot sizes for the Cypress Cove PUD located to the northeast of this site are a minimum of 9,000 square feet. Lot sizes for the East Woodlyn Crossings PUD located directly east of the property are a minimum of 5,000 square feet. The lot sizes in the Howell Branch Road PUD located directly to the west of the property are a minimum of 11,700 square feet. This proposal is

consistent with the surrounding single-family subdivisions to the north, east and south of the subject property.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map panel number 12117C0210E and 12117C0145E, with an effective date of 1995, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the subject property contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

Utilities:

The site is located in the Southeast Seminole County utility service area, and will be required to connect to public utilities. There is a 24-inch water main on the east side of Dodd Road. The subject property is in the ten year master plan for reclaimed water.

Transportation / Traffic:

The property proposes is adjacent to Dodd Road which is classified as a collector road. Dodd Road is not currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and has limited downstream capacity. The site will have to be designed to hold 25-year, 24-hour storm event.

Parks, Recreation and Open Space:

The applicant will need to designate 6.7 acres of usable open space, per Section 30.451 (e) of the Land Development Code. The details of the open space and amenities will be provided at the time of the Final Master Plan Approval.

Buffers and Sidewalks:

The applicant is not proposing any buffers. There is an existing four (4) foot wide sidewalk along Dodd Road. The applicant will be required to provide four (4) foot wide sidewalks internal to the development.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020)

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

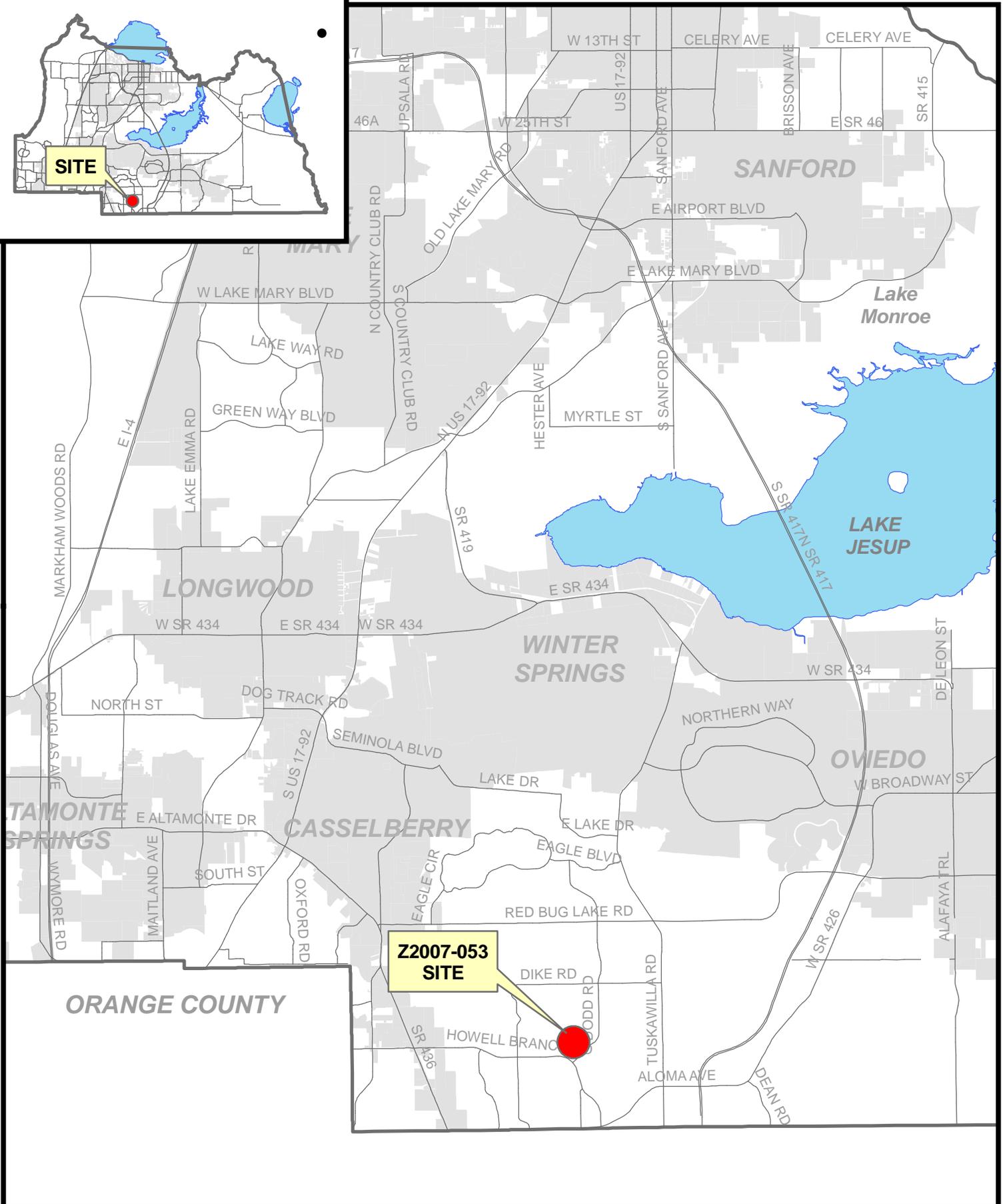
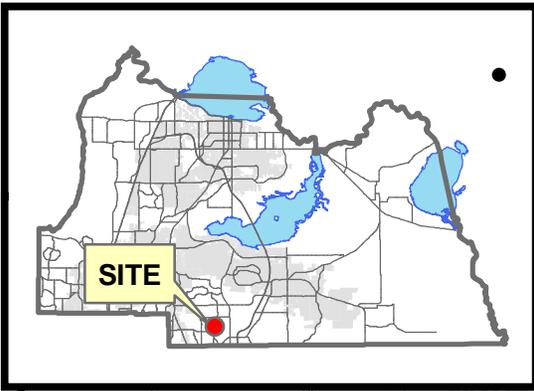
An intergovernmental notice was sent to the Seminole County School Board on September 9, 2007 and they have provided a School Capacity Analysis, which is attached.

LETTERS OF SUPPORT OR OPPOSITION:

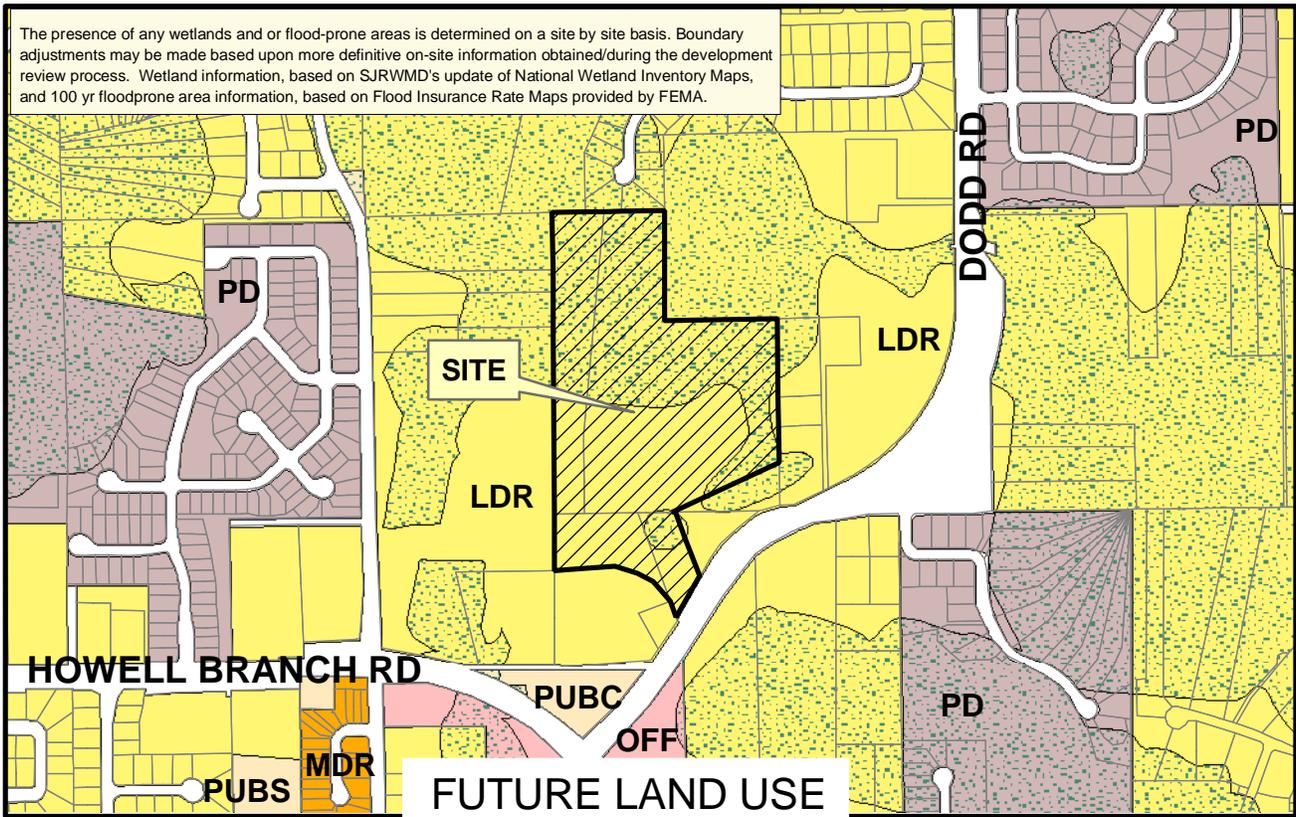
Staff received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.



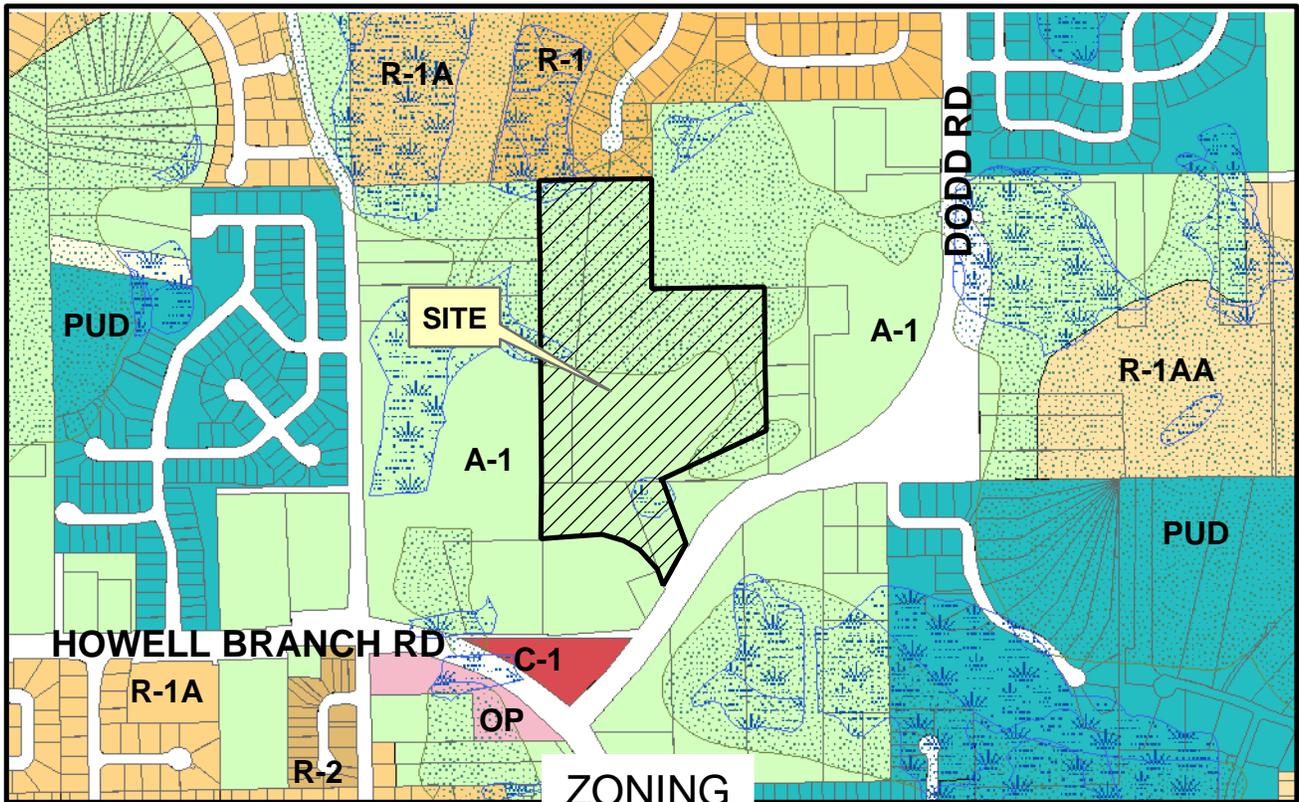
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



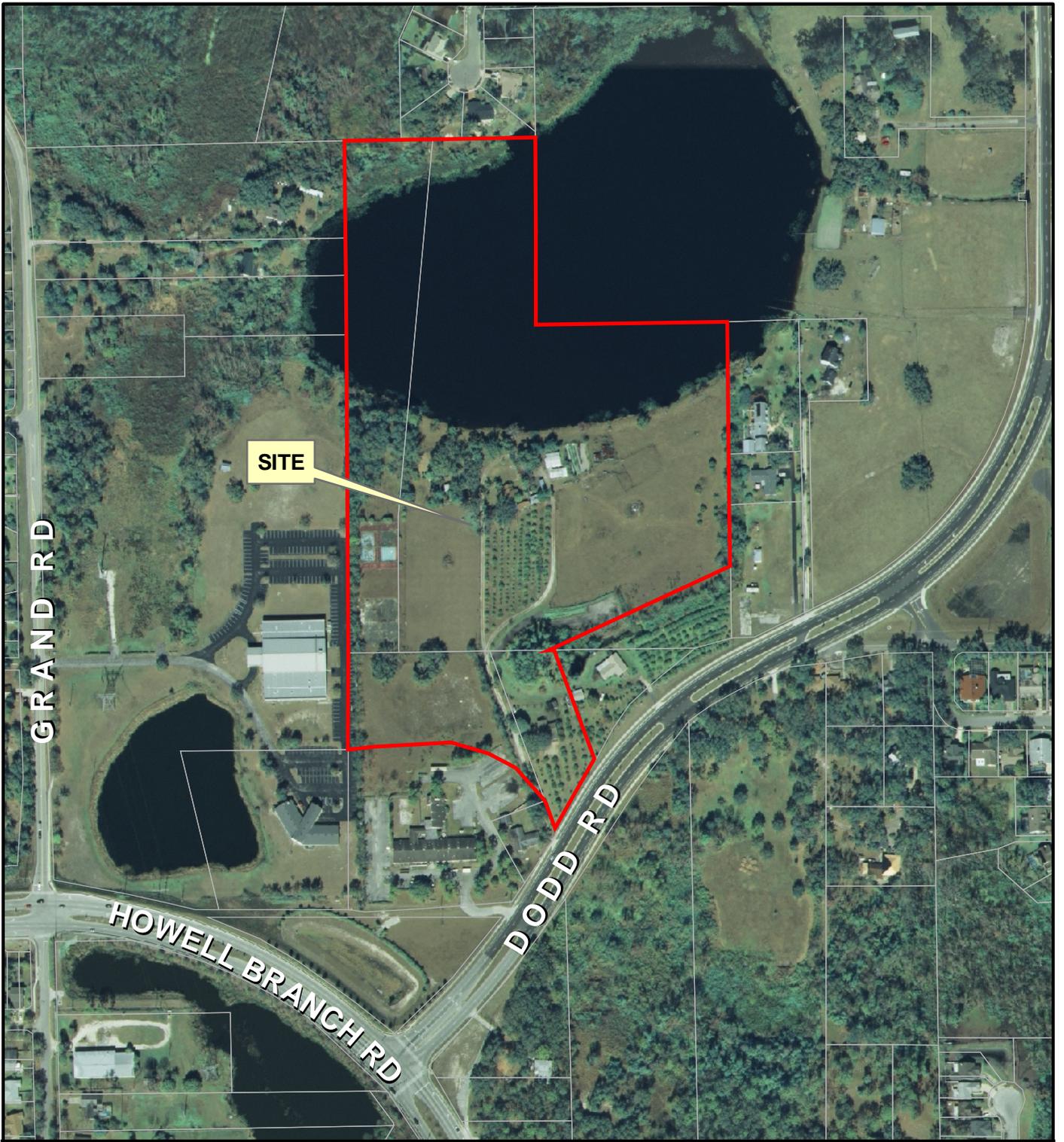
LDR
 MDR
 OFF
 PD
 PUB
 Site
 CONS

Applicant: Ralph Spano
 Physical STR: 26-21-30 and 35-21-30
 Gross Acres: 26.78 +/- BCC District: 1
 Existing Use: Vacant, agricultural and residential
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-053	A-1	PUD



A-1
 R-1
 R-1A
 R-1AA
 OP
 C-1
 FP-1
 W-1



Rezone No: Z2007-053
From: A-1 To: PUD

 Parcel

 Subject Property



Winter 2006 Color Aerials

PROJECT TEAM:

OWNER: EDEN POINT LLC
 10000 W. GARDEN LANE
 PARADISE VALLEY, AZ
 PHONE: (480) 507-5140
 FAX: (480) 507-1423

APPLICANT: MILLER EDENPOINT OWNER & PUD
 PLANNER
 5323 MILLER LANE BOULDER, CO 80501
 PHONE: (407) 447-5555
 FAX: (407) 447-5554

OWNER: BESMAN SURVEYING AND MAPPING, INC.
 10000 W. GARDEN LANE
 PARADISE VALLEY, AZ 85257
 PHONE: (480) 507-5877
 FAX: (480) 507-5877

PROJECT DESCRIPTION:
 The project includes 39 single family lots in a private gated community accessing Dodd Rd. Lots will be 115' wide and 60' deep. The remaining 28 lots are 115' x 115'. A community driveway will be constructed on the corner of the site and lake access will be provided via a 25' easement on the eastern boundary of the project. A wall will be constructed along the eastern boundary of the project. The project will be developed in accordance with the following:
 - Legal instruments will be created to provide for the management of common areas and facilities, including common area assessments over the designated student center, recreation facilities will include a private dock constructed in accordance with Seminole County, Florida and other requirements will be provided on lots 19 through 39. A community dock shall be provided on Tract 1 provided the said dock does not exceed 1000 sq. ft.

SITE DATA:
 Location: This site is located west of Dodd Rd. and north of Howell Branch Rd. on Garden Lake in unincorporated Seminole County, FL.
 FUTURE LAND USE DESIGNATION: LOW DENSITY RESIDENTIAL
 PROPOSED ZONING: RFD
 EXISTING LAND USE: VACANT, RESIDENTIAL & AGRICULTURAL

IMPACT ANALYSIS:

SCHOOLS	STUDENTS
ELMENTARY	39 X 24 STUDENTS/UNIT
MIDDLE	39 X 24 STUDENTS/UNIT
HIGH	39 X 24 STUDENTS/UNIT
TOTAL	29 STUDENTS

ROADS	ADDITIONAL
WATER	39 X 330 GPD/UNIT
SEWER	39 X 300 GPD/UNIT
TOTAL	11,700 GPD

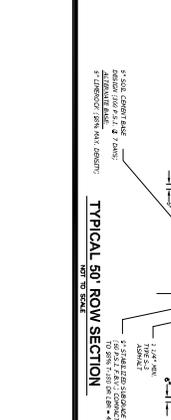
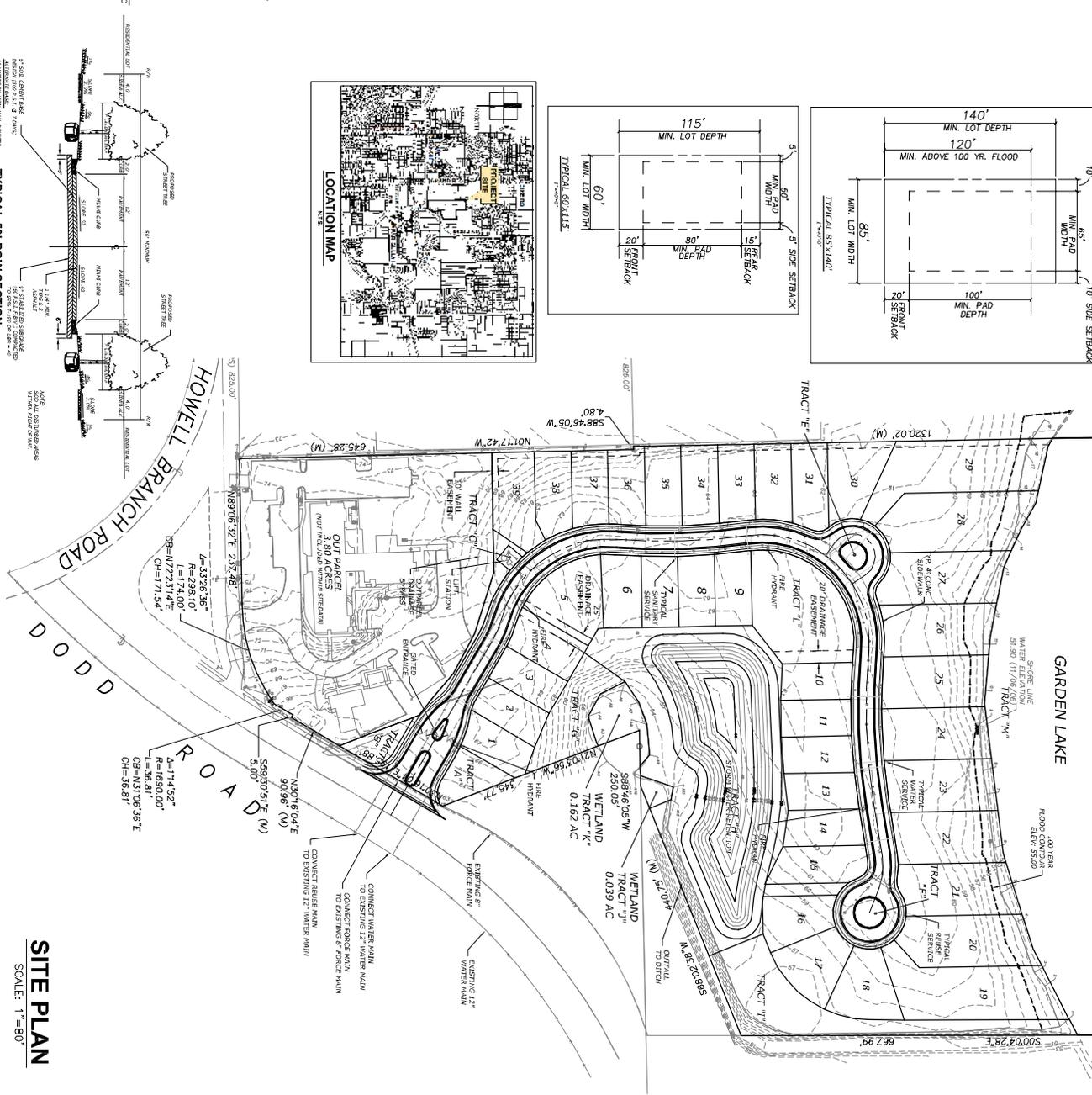
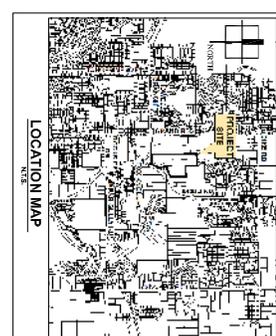
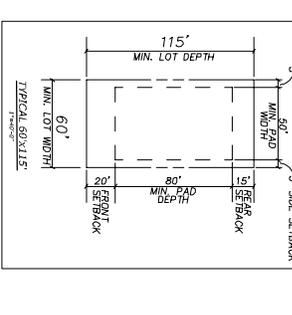
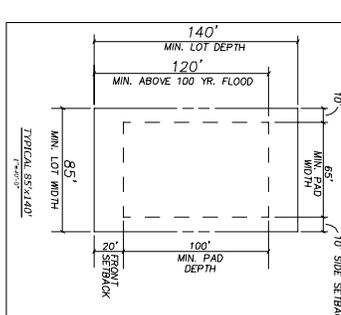
UTILITY COMPANIES:
 WATER: SEMINOLE COUNTY UTILITIES
 ELECTRIC: PROGRESS ENERGY, INC.
 GAS: FLORIDA GAS SERVICE CORPORATION
 SEWER: SEMINOLE COUNTY UTILITIES
 SANITARY SEWER: Connect to existing 8" force main on north side of Dodd Road

STORMWATER:
 The stormwater management system shall be designed to meet Seminole County and SWMD requirements.
FLOOD ZONE:
 Flood Zone is elevation 54.00 per F.I.R.N. Panel # 12117C0210 E & 12117C014 E
PRIVATE ROAD (IF APPLICABLE) AND COMMON AREAS:
 The private road and common areas will be owned and maintained by a Homeowners' Association. Final locations and design to be determined at final master plan.
FIRE PROTECTION:
 Fire protection will be provided through a series of hydrants in accordance with the Seminole County private water purchase agreement. 0.75 MG fire flow development, 1500' radius.

WETLAND IMPACTS:
 Wetland impacts are proposed to any of the existing wetland areas. All designated wetlands will be preserved.

LAND USE ACREAGE	TRACT AREAS
LAKE AREA	TRACT 17
WETLANDS	TRACT 18
WETLANDS NORTH OF LAKE	TRACT 19
WETLANDS SOUTH OF LAKE	TRACT 20
WETLANDS WEST OF LAKE	TRACT 21
WETLANDS EAST OF LAKE	TRACT 22
WETLANDS NORTH OF LAKE	TRACT 23
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WETLANDS SOUTH OF LAKE	TRACT 96
WETLANDS WEST OF LAKE	TRACT 97
WETLANDS EAST OF LAKE	TRACT 98
WETLANDS NORTH OF LAKE	TRACT 99
WETLANDS SOUTH OF LAKE	TRACT 100

REGULATORY CALCULATIONS:
 NO. OF LOTS: 39
 GROSS SITE AREA: 26.78 AC
 NET AREA: 1.45 AC
 NET DENSITY: 3.00 D/WAC



SITE PLAN
 SCALE: 1"=80'

Engineer In Charge:
 Jeffrey D. Einhouse, P.E.
 Registration # 19917
 Certificate Of
 Authorization #00008067

DATE: 07/18/07
 PROJECT: EDEN POINT
 DRAWN BY: JDE
 CHECKED BY: JDE
 TYPED BY: JDE

EDEN POINT
 Seminole County
 Prepared For: Eden Point LLC
PRELIMINARY PUD PLAN

NO.	DATE	DESCRIPTION
1		

Miller Edinhouse
 PUD & BOVD
 5323 MILLER LANE BOULDER, CO 80501
 PHONE: (407) 447-5555
 FAX: (407) 447-5554
 WWW.MILLEREDINHOUSE.COM

- Community Planning
- Civil Engineering
- Landscape Architecture
- Construction Administration

**SEMINOLE COUNTY APPROVAL DEVELOPMENT
ORDER**

On December 11, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Eden Point LLC, Michael Lechter
6611 N. 64th PL
Paradise Valley, AZ 85253

Project Name: Eden Point PUD Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 26.78 acres, located on the west side of Dodd Road and North of Howell Branch Road.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by:

Austin Watkins, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED.**

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit "B".
- b. The maximum allowable density shall not exceed 3 dwelling units per net buildable acre, up to a maximum of 39 dwelling units.
- c. Maximum allowable building height shall be 35 feet.
- d. The building setbacks shall be as follows:

Front:		20 ft.
Side:	11 Lake access lots	10 ft.
	28 remaining lots	5 ft.
Rear:	11 Lake access lots	20 ft.
	28 remaining lots	15 ft.
Side Street:		15 ft.

- e. The minimum lot size for the eleven (11) lots having access to the lake shall be a minimum of 11,900 square feet. The remaining twenty-eight (28) lots shall have a minimum lot size of 6,900 square feet.
- f. The permitted uses shall be single-family detached dwellings, home offices, and home occupations.
- g. All landscape buffers and common areas shall be maintained by a homeowners association.
- h. A minimum of 25% useable open space shall be provided for the entire PUD. The stormwater retention pond shall be amenitized

with a mulch path and bench to be counted towards common open space.

- i. One community dock will be permitted on Tract I not to exceed 1,000 square feet, only for resident's use.
- j. There shall be one access point on Dodd Road as shown on Exhibit "B".

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Brenda Carey
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Eden Point LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order

Witness

Michael Lechter, Manager

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Michael Lechter who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned
My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Thelma C. Yates Revocable Trust and William L. Family Trust, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order

Witness

Thelma C. Yates

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Thelma C. Yates who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned
My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF SECTION 35 AND THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN N88°46'05"E ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 820.20 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26 FOR THE POINT OF BEGINNING; THENCE CONTINUE N88°46'05"E, 4.80 FEET TO THE EAST LINE OF THE WEST 825.00 FEET OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN S01°12'12"E ALONG SAID EAST LINE OF THE WEST 825.00 FEET, 232.27 FEET; THENCE RUN N88°52'12"E, 194.97 FEET; THENCE RUN S72°27'53"E, 105.48 FEET; THENCE RUN S61°57'53"E, 74.86 FEET; THENCE RUN S49°24'29"E, 53.92 FEET; THENCE RUN S53°28'17"E, 33.96 FEET; THENCE RUN S20°41'57"E, 85.24 FEET; THENCE RUN S20°43'21"E, 55.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF DODD ROAD; THENCE RUN N30°16'04"E ALONG SAID NORTHERLY RIGHT OF WAY LINE, 195.88 FEET; THENCE RUN N21°03'56"W, 345.77 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN N88°46'05"E ALONG SAID SOUTH LINE, 91.01 FEET TO THE CENTERLINE OF A DITCH; THENCE RUN N68°02'38"E ALONG SAID CENTERLINE OF DITCH, 440.75 FEET; THENCE RUN N00°04'28"W, 667.99 FEET TO THE NORTH LINE OF THE WEST 1/2 OF THE SOUTH 5/8 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°50'15"W ALONG SAID NORTH LINE, 487.55 FEET; THENCE RUN N01°03'24"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 494.65 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°52'45"W ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, 492.41 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S01°07'48"E ALONG THE WEST LINE OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 1320.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.78 ACRES MORE OR LESS.

Z2007-53

Development Order #: 07-20500004

EXHIBIT "B"

Preliminary Master Plan

PROJECT TEAM:

OWNER: EDEN POINT LLC
 10000 W. GARDEN LANE
 PARADISE VALLEY, AZ
 PHONE: (480) 507-5140
 FAX: (480) 507-1423

APPLICANT: MILLER EDENPOINT OWNER & PUD PLANNER
 5323 MILLER LANE
 OAKLAND, IL 60459
 PHONE: (407) 447-5555
 FAX: (407) 447-5554

OWNER: BESMAN SURVEYING AND MAPPING, INC.
 10000 W. GARDEN LANE
 PARADISE VALLEY, AZ
 PHONE: (480) 507-5140
 FAX: (480) 507-5140

PROJECT DESCRIPTION:
 The project includes 39 single family lots in a private gated community accessing Dodd Rd. to Garden Lake. The remaining 28 lots are 60' x 115'. A community driveway will be constructed in the center of the site and lake access will be provided via a 25' easement on the eastern boundary of the project. A wall will be constructed along the western boundary of the project. The project will be developed in accordance with the legal instruments will be created to provide for the management of common areas and facilities, including common area assessments over the designated student center, recreation facilities will include a private dock constructed in accordance with Seminole County, FL and other requirements will be provided on lots 19 through 39. A community dock shall be provided on Tract 1 provided the said dock does not exceed 1000 sq. ft.

SITE DATA:
 Location: This site is located west of Dodd Rd. and north of Howell Branch Rd. on Garden Lake in unincorporated Seminole County, FL.
 FUTURE LAND USE DESIGNATION: LOW DENSITY RESIDENTIAL
 PROPOSED ZONING: RFD
 EXISTING LAND USE: VACANT, RESIDENTIAL & AGRICULTURAL

IMPACT ANALYSIS:

SCHOOLS	STUDENTS
ELMENTARY	39 X 24 STUDENTS/UNIT
MIDDLE	39 X 24 STUDENTS/UNIT
HIGH	39 X 24 STUDENTS/UNIT
TOTAL	29 STUDENTS

ROADS	TRAVEL
WATER	39 X 3.57 AFD/BU
SEWER	39 X 3.57 AFD/BU
TOTAL	11,700 GPD

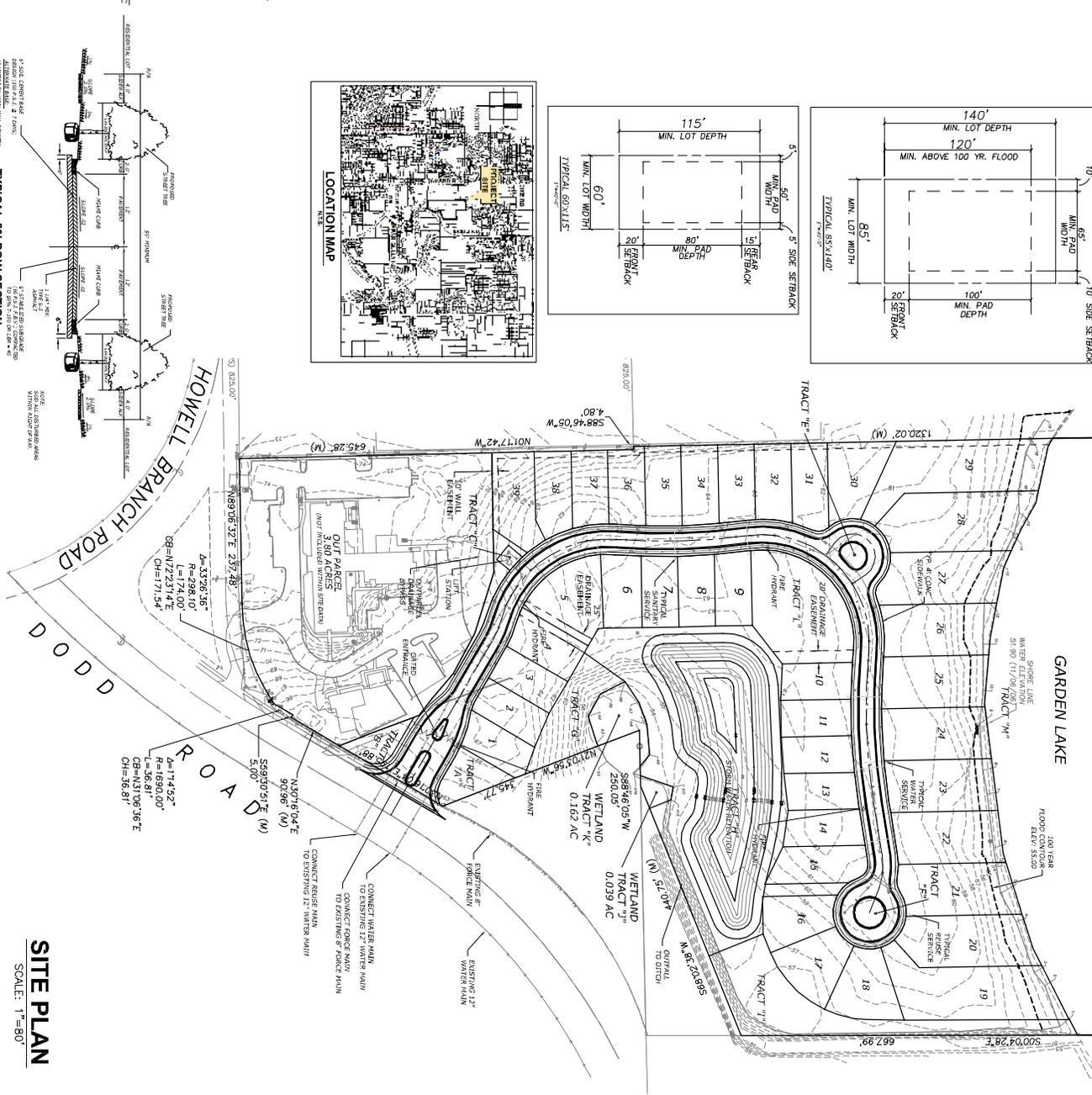
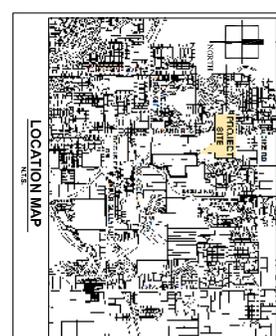
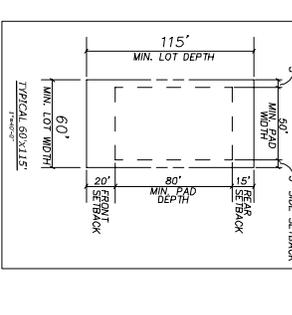
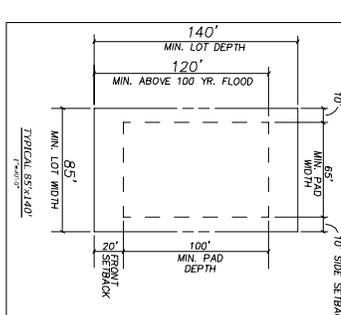
UTILITY COMPANIES:
 WATER: SEMINOLE COUNTY UTILITIES
 ELECTRIC: PROGRESS ENERGY, INC.
 GAS: FLORIDA GAS BOTTLE SERVICE, INC.
 SEWER: SEMINOLE COUNTY UTILITIES
 SANITARY SEWER: Connect to existing 8" force main on north side of Dodd Road

STORMWATER:
 The stormwater management system shall be designed to meet Seminole County and SWMD requirements.
FLOOD ZONE:
 Flood Zone is elevation 54.00 per F.I.R.N. Panel # 12117C02.01 E & 12117C01.01 E
PRIVATE ROAD (IF APPLICABLE) AND COMMON AREAS:
 The private road and common areas will be owned and maintained by a Homeowners' Association. Final location and design to be determined at final master plan.
FIRE PROTECTION:
 Fire protection will be provided through a series of fireplaces in accordance with the Seminole County private safety standards, approved by the fire and development code.

WETLAND IMPACTS:
 Wetland impacts are proposed to any of the existing wetland areas. All designated wetlands will be preserved.

LAND USE ACREAGE	TRACT AREAS
LAKE AREA	TRACT 17
WETLANDS	TRACT 18
WETLANDS NORTH OF LAKE	TRACT 19
WETLANDS SOUTH OF LAKE	TRACT 20
WETLANDS WEST OF LAKE	TRACT 21
WETLANDS EAST OF LAKE	TRACT 22
WETLANDS NORTHWEST OF LAKE	TRACT 23
WETLANDS SOUTHWEST OF LAKE	TRACT 24
WETLANDS NORTHEAST OF LAKE	TRACT 25
WETLANDS SOUTHEAST OF LAKE	TRACT 26
WETLANDS WEST OF LAKE	TRACT 27
WETLANDS EAST OF LAKE	TRACT 28
WETLANDS NORTH OF LAKE	TRACT 29
WETLANDS SOUTH OF LAKE	TRACT 30
WETLANDS WEST OF LAKE	TRACT 31
WETLANDS EAST OF LAKE	TRACT 32
WETLANDS NORTH OF LAKE	TRACT 33
WETLANDS SOUTH OF LAKE	TRACT 34
WETLANDS WEST OF LAKE	TRACT 35
WETLANDS EAST OF LAKE	TRACT 36
WETLANDS NORTH OF LAKE	TRACT 37
WETLANDS SOUTH OF LAKE	TRACT 38
WETLANDS WEST OF LAKE	TRACT 39
WETLANDS EAST OF LAKE	TRACT 40
WETLANDS NORTH OF LAKE	TRACT 41
WETLANDS SOUTH OF LAKE	TRACT 42
WETLANDS WEST OF LAKE	TRACT 43
WETLANDS EAST OF LAKE	TRACT 44
WETLANDS NORTH OF LAKE	TRACT 45
WETLANDS SOUTH OF LAKE	TRACT 46
WETLANDS WEST OF LAKE	TRACT 47
WETLANDS EAST OF LAKE	TRACT 48
WETLANDS NORTH OF LAKE	TRACT 49
WETLANDS SOUTH OF LAKE	TRACT 50
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WETLANDS SOUTH OF LAKE	TRACT 90
WETLANDS WEST OF LAKE	TRACT 91
WETLANDS EAST OF LAKE	TRACT 92
WETLANDS NORTH OF LAKE	TRACT 93
WETLANDS SOUTH OF LAKE	TRACT 94
WETLANDS WEST OF LAKE	TRACT 95
WETLANDS EAST OF LAKE	TRACT 96
WETLANDS NORTH OF LAKE	TRACT 97
WETLANDS SOUTH OF LAKE	TRACT 98
WETLANDS WEST OF LAKE	TRACT 99
WETLANDS EAST OF LAKE	TRACT 100

REGULATORY CALCULATIONS:
 NO. OF LOTS: 39
 GROSS SITE AREA: 26.78 AC
 NET AREA: 1.25 AC
 NET DENSITY: 3.07 D/WAC



SITE PLAN
 SCALE: 1"=80'

Engineer In Charge:
 Jeffrey D. Einhouse, P.E.
 Registration # 19917
 Certificate Of
 Authorization #00008067

DATE: 07/18/07
 PROJECT: EDEN POINT
 DRAWN BY: JDE
 CHECKED BY: JDE
 TYPED BY: JDE

SHEET NO.
1 OF 2

EDEN POINT
 Seminole County
 Prepared For: Eden Point LLC
PRELIMINARY PUD PLAN

NO.	DATE	DESCRIPTION
1		

Miller Edinhouse
 PUD & BOVD
 5323 MILLER LANE
 OAKLAND, IL 60459
 PHONE: (407) 447-5555
 FAX: (407) 447-5554

- Community Planning
- Civil Engineering
- Landscaping Architecture
- Construction Administration

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Eden Point Rezone", dated January 8, 2008.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 07-20500004 in the Official Land Records of Seminole County.

ENACTED this 8th day of January 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF SECTION 35 AND THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.78 ACRES MORE OR LESS.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 11, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

FINDINGS OF FACT

Property Owner: Eden Point LLC, Michael Lechter
6611 N. 64th PL
Paradise Valley, AZ 85253

Project Name: Eden Point PUD Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 26.78 acres, located on the west side of Dodd Road and north of Howell Branch Road.

The Board of County Commissioners has determined that the request for rezone from A-1 (Agriculture) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Eden Point rezone from A-1 (Agriculture) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on December 11, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for development approval is DENIED.
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS

By: _____
Brenda Carey, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

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THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.78 ACRES MORE OR LESS.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
NOVEMBER 7, 2007**

Members present: Melanie Chase, Ben Tucker, Matthew Brown, and Kim Day

Members absent: Walt Eismann, Rob Wolf, and Dudley Bates

Also present: Tina Williamson, Acting Planning Manager; Dori DeBord, Director of Planning and Development; Herman Wright, Principal Planner; Ian Sikonia, Senior Planner; Tony Walter, Principal Planner; Tony Nelson, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; Candace Lindlaw-Hudson, Clerk to the Commission

E. Eden Point Rezone; Ralph Spano, Spano & Associates, Inc., applicant; 26.78± acres. Rezone A-1 (Agriculture) to PUD (Planned Unit Development); located on the west side of Dodd Road and north of Howell Branch Road. (Z2007-53)

Commissioner Dallari - District 1
Herman Wright, Senior Planner

Mr. Wright noted that he had 2 pages of changes to the staff reports to amend the agenda book.

The applicant is requesting a PUD (Planned Unit Development) with 39 residential lots, 11 of which have lake access and be a minimum of 11,900 square feet. The remaining 28 lots will be a minimum of 6,900 square feet. The net density of the proposed PUD is 3 dwelling units per net buildable acre. The existing future land use on the property is Low Density Residential, which allows such development. The request is consistent with area development. Staff recommendation is for approval of the request.

Dianne Kramer stated that she concurred with staff recommendations.

Suzanna Lawler-Isco of 1570 Dodd Road was concerned with the minimum house size and wanted to know that the homes would be comparable to hers.

Commissioner Tucker asked what her house size was.

Ms. Lawler-Isco said she had a 3,000 square-foot home with detached garage.

Basil Dodd of 1424 Dodd Road said that he was concerned about the ditch that runs along Dodd Road. Will the ditch be cleaned out and maintained? The property also runs along the lake bottom to the other side of the lake. What will

happen there? There is dry land there. Will the land be green space? Will the ditch be opened up for public access? At one time it was a privately dredged canal.

Commissioner Tucker asked if Mr. Dodd was related to Jack Dodd who served on the Agricultural Commission in Tallahassee.

Mr. Dodd said he was related to Jack Dodd. Mr. Dodd said that father was B.C. Dodd who served as a Seminole County Commissioner for 12 years.

Dianne Kramer said that some of the questions will be answered later in the process. The ditch Mr. Dodd referred to is not on the subject property. There will be no public access to the lake. This will be a high-end, gated community. Property on the other side of the lake will be sold off to adjacent homeowners there. That property is not in the green space calculations for the PUD; all green space is on the south side of the lake.

Commissioner Tucker asked about house sizes and prices of homes.

Ms. Kramer said there were two types of lots and homes in the project. Lake front homes will be larger, high-end custom homes. These homes will be \$500,000.00 and up. The smaller lots will have smaller houses. They will be compatible with the area.

Commissioner Chase made a motion to recommend approval of the requested rezone, attached Preliminary Master Plan, and Development order.

Commissioner Tucker seconded the motion.

The motion passed 4 – 0.



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

From: George Kosmac, Deputy Superintendent, Seminole County Public Schools

Date: October 15, 2007

RE. Z2007-053 Eden Point Rezone

Seminole County Public Schools (SCPS), in reviewing the above rezone request, has determined that if approved the new zoning designation would have the effect of increasing residential density, and as a result generate additional school age children.

Description - 26.8–acres located on West side of Dodd Road & North of Howell Branch Road. The applicant is proposing to construct approximately 36 single-family dwelling unit subdivision, at a density of approximately 3.0 dwelling units per net buildable acre. Parcel ID #: 26-21-30-300-0260-0000.

Based on information received from Seminole County Planning and from the staff report for the request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
36		36		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Red Bug	9	819	841	102.7	13
Middle Tuskawilla	4	1250	1153	92.2	33
High Lake Howell	5	2363	2241	94.9	36

Terms and Definitions:

Florida Inventory of School Houses (FISH): The numbering and data collection system developed and assigned through the Department of Education for land parcels, buildings, and rooms in public educational facilities. Based upon district data entry, FISH generates the student station counts and report data for school spaces throughout the districts and the State.

Student Stations: The actual number or count of spaces contained within a room that can physically accommodate a student. By State Board Rule, the student station count is developed at the individual room level. Prior to Class Size Reduction (CSR), the number of student stations assigned to a room was dependent upon the room size and the particular the instructional program assigned to the room. This is no longer the case for core curricula spaces (see e. below). The total number of student stations at a campus is determined by the cumulative student station count total of the rooms at the campus that are assigned student station counts.

Utilization: A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%

Capacity: The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. That percentage factor is typically referred to as the "Utilization Factor". The capacity of a campus is therefore determined by multiplying the total number of student stations by the utilization factor (percentage). NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

Class Size Reduction (CSR): Article IX of the Florida Constitution requires the legislature to "make adequate provision" to ensure that by the beginning of the 2010 school year, there will be a sufficient number of classrooms for a public school in core related curricula so that:

- i) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students;
- ii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
- iii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations

iii) High: 2,800 student stations

Projected Number of Additional Students: is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

Full Time Equivalent (FTE) - A calculation of student enrollment conducted by The Florida Department of Education (FDOE) authorized under Section 1011.62, Florida Statutes to determine a maximum total weighted full-time equivalent student enrollment for each public school district for the K-12 Florida Educational Funding Program (FEFP).

Students Resulting from Recently Approved Developments is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

Comments:

The students generated at the and Middle and High school level resulting from the proposed development, would at this point be able to be absorbed into the zoned schools without adverse affect. However, the students generated from the new residential dwelling units could not be absorbed into the elementary, without the increased use of relocatable student stations (portables) or significant reduction in level of service at the affected campus. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected school.

In addition to the students generated from the proposal, the number of students expected from recent developments in the attendance areas of the affected schools would also place further capacity pressures on the school system. These new developments combined with this proposal and any subsequent approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements.